

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Samuel GONZALEZ,

Defendant(s)

Magistrate Case No.

COMPLAINT FOR VIOLATION OF:

Title 8 U.S.C., Sec. 1324 (a)(1)(A)(ii)
Transportation of Illegal
Aliens

The undersigned complainant, being duly sworn, states:

On or about **December 9, 2007**, within the Southern District of California, defendant **Samuel GONZALEZ** with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Carlos MARTINEZ-Juarez, Julian Felix HERNANDEZ, Edith HERNANDEZ-Estrada AKA: Edith ESTRADA-Xingu, and juveniles E.H.E. and V.H.E.** had come to, entered and remained in the United States in violation of law, did transport and move, said aliens within the United States in furtherance of such violation of law; in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii).

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


SIGNATURE OF COMPLAINANT

James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **11th** DAY OF **DECEMBER, 2007**


Barbara L. Major
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Samuel GONZALEZ

PROBABLE CAUSE STATEMENT

Furthermore, the complainant states that **Carlos MARTINEZ-Juarez, Julian Felix HERNANDEZ, Edith HERNANDEZ-Estrada AKA: Edith ESTRADA-Xingu and juveniles E.H.E. and V.H.E** are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On December 9, 2007, Border Patrol Agent P. Campbell was conducting his primary inspection duties at the Border Patrol Checkpoint located on State Route 94 near Jamul, California. All lights and warning signs were functioning. This checkpoint is located approximately ten miles west of the Tecate, California Port of Entry and approximately seven miles north of the International Border between the United States and Mexico. At approximately 5:55 p.m., a burgundy Honda Accord approached the primary position and did not appear to be slowing down. The vehicle was traveling at about 45 to 50 miles per hour at the time. Anticipating that the vehicle was not going to stop, Agent M. Cavender deployed a controlled tire deflation device in front of the vehicle. Agent Campbell deployed a second controlled tire deflation device at the same time. The burgundy Honda Accord did not attempt to stop or slow down at the inspection area and the controlled tire deflation devices successfully deflated the right front tire of the vehicle. As the vehicle passed within feet of Agent Campbell's position, he was able to visually observe the driver of the vehicle later identified as the defendant **Samuel GONZALEZ**. Agent Cavender entered a marked Border Patrol vehicle and drove westbound on S.R. 94 in an attempt to initiate a vehicle stop on the burgundy Honda.

Agent Cavender was able to maintain visual observation of the burgundy Honda and follow it westbound on S.R. 94. Even with the deflated right front tire, the vehicle continued to travel westbound on S.R. 94. Agent D. Neckel advised Agent Cavender via Agency radio that he was located on S.R. 94 west of the location of the burgundy Honda. Agent Neckel requested and received authorization to deploy a third controlled tire deflation device on the burgundy Honda when it passed his location. As Agent Cavender approached the area on S.R. 94 known as "Rancho Jamul Estates", he activated his vehicle's emergency lights and siren in an attempt to initiate a traffic stop. The vehicle again failed to yield. As the burgundy Honda passed Agent Neckel's location, he successfully deployed his controlled tire deflation device, deflating the other front tire of the vehicle.

The burgundy Honda pulled onto the north shoulder of S.R. 94, approximately one-quarter mile west of Rancho Jamul Estates. Agent Cavender and Agent E. Mendivil observed several individuals exit the vehicle and run northbound into the underbrush in an apparent attempt to abscond. Agents Cavender and Mendivil parked their Agency vehicles behind the burgundy Honda and Agent Cavender approached it in an effort to contain any additional occupants while Agent Mendivil began to pursue the absconding individuals on foot. Agent Cavender observed a female and two small children standing next to the open rear passenger door.

Agent Cavender identified himself as a Border Patrol Agent and conducted a field immigration interview to the female and her two children. The woman admitted that she and her two children were citizens and nationals of Mexico illegally present in the United States. Agent Mendivil was able to detain one of the three male individuals observed running northbound from the burgundy Honda who was later determined to be a citizen and national of Mexico illegally present in the United States. A second male was apprehended by Agent Neckel a short time later and also determined to be a citizen and national of Mexico illegally present in the United States.

**CONTINUATION OF COMPLAINT:
Samuel GONZALES**

At approximately 7:55 p.m., Agent Campbell observed an individual he recognized as the defendant attempting to use the public pay phone at the AM/PM convenience store located approximately one mile west of where the burgundy Honda pulled over and the occupants attempted to abscond. Agent Campbell recognized the defendant as the driver of the burgundy Honda when it failed to yield at the Border Patrol Checkpoint. Agent Campbell and Agent T. Ward approached the defendant and identified themselves as Border Patrol Agents. Agent Campbell told the defendant that he recognized him as the driver of the vehicle that failed to stop at the checkpoint. The defendant stated, "Yeah, that was me." Agent Campbell placed the defendant under arrest. The defendant and the other five individuals were transported to the Brownfield Border Patrol Station for processing.

DEFENDANT STATEMENT:

The defendant was read his Miranda rights and was willing to answer questions without an attorney present. The defendant stated that he is a United States citizen. The defendant admitted that he wanted to make some easy money and therefore got involved in alien smuggling. The defendant stated that he acquired the vehicle he used on this event from a friend. The defendant stated that he stopped by the side of the road and picked up the illegal aliens. The defendant stated that he was to take the aliens to an undisclosed location. The defendant added that he knew that the people were illegally present in the United States and that he knew he was breaking the law. The defendant stated that he was told that the checkpoint was closed. The defendant stated that he failed to stop at the checkpoint because he was nervous and did not want to get arrested.

MATERIAL WITNESSES STATEMENTS:

Material witnesses **Carlos MARTINEZ-Juarez, Julian Felix HERNANDEZ, Edith HERNANDEZ-Estrada AKA Edith ESTRADA-Xingu and juveniles E.H.E. and V.H.E** admitted in summary statements that they are citizens and national of Mexico illegally present in the United States. They were to pay a predetermined fee to be smuggled into the United States. The material witnesses stated that they illegally entered the United States with the aid of smuggler/foot guide by crossing through the mountains near Tecate, California. They walked until they reached a point on a highway where they were told to wait for a vehicle. Once the vehicle arrived, the foot guide departed the area and they proceeded to travel on S.R. 94. The material witnesses added that the driver instructed then in Spanish to run when the car came to a stop. Material witnesses **Carlos MARTINEZ-Juarez and Julian Felix HERNANDEZ** positively identified the defendant **Samuel GONZALEZ** as the individual driving the smuggling vehicle from a photographic lineup.